

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**MELODY JOY CANTU and  
DR. RODRIGO CANTU,  
*Plaintiffs***

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**CASE NO.: 5:20-CV-00746-JKP (HJB)**

V.

**DR. SANDRA GUERRA and  
DIGITAL FORENSICS  
CORPORATION, LLC  
*Defendants***

**DEFENDANT, DR. SANDRA GUERRA’S DESIGNATION OF EXPERTS**

Defendant, DR. SANDRA GUERRA (“Defendant” and “Dr. Guerra”), through her undersigned counsel, hereby serves Defendant, Dr. Sandra Guerra’s Designation of Experts in accordance with the Fifth Amended Scheduling Order (Doc. No. 59), and Federal Rule of Civil Procedure 26(a)(2)(A).

The following persons may be called to provide expert testimony or present evidence at trial on behalf of Defendant.

## I. NON-RETAINED TESTIFYING EXPERTS

**A. CO-DEFENDANT, DIGITAL FORENSICS, CORPORATION, LLC.**

Defendant designates the representatives and/or employees of Co-Defendant, Digital Forensics Corporation, LLC (“DFC”), who are not retained or specially employed by Dr. Guerra, to provide expert testimony, but who may be called to offer opinions at trial. Such representatives and/or employees of DFC may also be called as fact witness at trial. DFC is not currently represented by counsel in this proceeding and has not provided any information in DFC’s initial disclosures identifying the representatives or employees of DFC who prepared the

Phase I Evaluation Report on behalf of DFC or have knowledge of relevant facts pertaining to the matters at issue in this case and/or the digital forensics services provided by DFC. Accordingly, Defendant is unable at this time to identify the specific individual(s) with DFC that Defendant anticipates may be called to provide expert testimony in their capacities as employees and/or representatives of DFC. However, discovery is ongoing in this matter and Defendant will supplement this designation upon DFC's disclosure of the identify of such representatives and/or employees of DFC.

Nevertheless, it is anticipated that such non-retained experts with DFC may be called to testify regarding the validity of the Phase I Evaluation from DFC; the technical means of conducting a digital forensics investigation; the functionality, accuracy, and lawful methods utilized by DFC in conducting its forensic investigation; and the invalidity of Plaintiffs' hacking claims against Defendant and DFC. It is anticipated that such non-retained experts with DFC will provide opinions consistent with any and all records they have generated and/or any testimony or statements provided to any person or party in connection with this matter and within the realm of their respective knowledge, training, experience, education, and/or expertise.

## **II. EXPERTS ON ATTORNEYS' FEES**

Ricardo G. Cedillo  
Brandy C. Peery  
DAVIS, CEDILLO & MENDOZA, INC.  
755 E. Mulberry, Suite 250  
San Antonio, TX 78212  
(210) 822-6666

Mr. Cedillo is a duly licensed attorney, licensed to practice law in the State of Texas and in the United States District Court of the Western District of Texas, and has been practicing in Bexar County, San Antonio, Texas for over forty (40) years. He is a founder and shareholder at Davis, Cedillo & Mendoza, Inc. Mr. Cedillo is not disqualified from testifying in this cause. Mr. Cedillo is not disqualified from testifying in this cause. Mr. Cedillo's current "CV" may be found at <https://lawdcm.com/attorneys/ricardo-g-cedillo/>.

Ms. Peery is a duly licensed attorney, licensed to practice law in the State of Texas and in the United States District Court of the Western District of Texas , and has been

practicing in Bexar County, San Antonio, Texas for nearly twelve (12) years. She is a shareholder at Davis, Cedillo & Mendoza, Inc. Ms. Peery is not disqualified from testifying in this cause. Ms. Peery's current "CV" may be found at <https://lawdcm.com/attorneys/brandy-c-peery/>.

It is anticipated that Mr. Cedillo, and/or Ms. Peery will testify as to the reasonableness and necessity of attorneys' fees and expenses incurred by Defendant in connection with this proceeding, including the following: (i) preparation and trial of this lawsuit; (ii) post-trial, pre-appeal legal services; (iii) an appeal to the Court of Appeals, including motions for rehearing; (iv) making or responding to petition for review in the Supreme Court of Texas, as well as preparation of full briefing on the merits if requested, oral arguments, and motions for hearing; and (v) post-judgment discovery and collection in the event execution of the judgment is necessary. It is further anticipated that they may also testify as to the proper segregation of attorneys' fees and costs between claims if necessary. In addition, they may testify regarding the reasonableness and necessity of attorney's fees requested by any party in this case, and as to the segregation of such attorneys' fees and costs should segregation be required. They will base their opinions on their respective experience as an attorney in cases of this nature and on their actual knowledge of the legal issues and legal services performed in this case. Mr. Cedillo and Ms. Peery are also expected to rely on the review of billing statements from Davis, Cedillo & Mendoza, Inc. for the legal services provided by the firm to Defendant in this case.

### **III. OTHER EXPERTS.**

Defendant has not retained any other experts to provide testimony in this case; nevertheless, Defendant reserves the right to rely upon the opinions of any of the experts, retained or unretained, designated by any party to this lawsuit with regard to any matters related to this cause. Further, Defendant reserves the right to examine by direct or cross examination, or call as an expert witness, live or by deposition, any expert witness presented and/or designated by any party to this lawsuit. Defendant further reserves the right to elicit testimony from and/or cross-examine and/or use any expert testimony and/or lay opinion testimony that would assist the jury in determining material issues of fact to the extent that same are considered expert opinions and/or testimony in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Evidence. Defendant reserves the right to call undesignated expert witnesses in rebuttal, if necessary, whose identities and testimony cannot be reasonably foreseen until all other parties to this suit have presented evidence at trial.

Defendant further reserves the right to solicit testimony from any person identified by any party as a fact witness in this case, which may require such witness to rely upon their specialized knowledge, training, experience, education, or expertise in a particular field or which may be considered "opinion" testimony. It is expected that such persons and any non-retained persons would provide testimony consistent with any and all records they have generated and/or any testimony or statements provided to any person or party and within the realm of their expertise and training.

Defendant may also solicit expert testimony from any party in this case. It is expected that any opinions solicited from such parties would be opinions provided within the realm

of their specialized knowledge, training, experience, education, or expertise and consistent with their business records and/or deposition testimony or statements provided on such subjects.

Defendant reserves the right to supplement this designation and designate additional experts Defendant reserves the right to solicit testimony from any witness, lay or otherwise, who may have relevant opinions within the realms of their specialized knowledge, training, experience, education, or expertise.

Dated: November 1, 2021.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT, DR. SANDRA  
GUERRA**

**CERTIFICATE OF SERVICE**

I certify that on this 1<sup>st</sup> day of November 2021, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the parties on record.

/s/Ricardo G. Cedillo